

**DEPARTMENT OF PLANNING  
AND ZONING STAFF REPORT**

**Date of Hearing:** February 11, 2015

**# 13**

**BOARD OF SUPERVISORS PUBLIC HEARING**

**SUBJECT:** ZMAP-2013-0014, McIntosh Assemblage

**ELECTION DISTRICT:** Blue Ridge

**CRITICAL ACTION DATE:** Extended to February 11, 2015

**STAFF CONTACTS:** Judi Birkitt, Project Manager, Planning & Zoning  
John Merrithew, AICP, Acting Director, Planning & Zoning

**APPLICANT:** J. Truett Young, Stanley Martin Companies, LLC

**PURPOSE:** This application seeks to rezone approximately 97 acres, including the 34.94-acre Dulles South Middle School (MS-7) site from TR-1UBF (Transitional Residential - 1) and TR-3UBF (Transitional Residential - 3) to TR-1UBF to allow the development of eighty-one (81) single family detached residential units. The subject property is located on both the north and south sides of Braddock Road (Route 705), west of the Grassland Grove Drive/Trailhead Drive intersection.

**RECOMMENDATIONS:** In a work session on December 6, 2014, the Planning Commission (Commission) forwarded this application to the Board of Supervisors (Board) with a recommendation of **approval** (9-0), subject to the Proffer Statement dated November 6, 2014, and based on the Findings for Approval included in this Staff Report (page 3).

Staff **cannot support** the rezoning application, because the proposed densities exceed what is envisioned by the Revised General Plan (RGP) for the Upper Broad Run and Upper Foley Subareas of the Transition Policy Area. The land exchange with Loudoun County Public Schools (LCPS) that is part of this application would provide the school a better site layout and a second access point. However, the tradeoff would place demands on the County to provide additional services for future residents that are not anticipated in the Comprehensive Plan and could set a precedent for increased density within the Transition Policy Area. County Attorney review of the Proffer Statement is not complete, therefore, the application is not ready for action. A time extension from the Applicant would be necessary to forward the application to a Board Business Meeting or Transportation and Land Use Committee Meeting.

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**SUGGESTED MOTIONS:**

1. I move that the Board of Supervisors forward ZMAP-2013-0014, McIntosh Assemblage, to the March 4, 2015 Board of Supervisors **Business Meeting** for action (*time extension needed*).

OR

2. I move that the Board of Supervisors forward ZMAP-2013-0014, McIntosh Assemblage, to the **Transportation and Land Use Committee** for further discussion (*time extension needed*).

OR

3. I move an alternate motion.

<b>I. APPLICATION INFORMATION</b>				
<b>APPLICANT</b> Stanley Martin Companies, LLC J. Truett Young, Director of Land Acquisition 703-964-5167		<b>REPRESENTATIVE</b> Walsh Colucci Lubeley Emrich & Walsh, PC Andrew Painter, Attorney 703-737-3633 <a href="mailto:apainter@ldn.thelandlawyers.com">apainter@ldn.thelandlawyers.com</a>		
<b>REQUEST</b> An application to rezone approximately 97.11 acres from the TR1UBF and TR3UBF (Transitional Residential-3UBF) zoning districts under the <u>Revised 1993 Zoning Ordinance</u> to the TR1UBF (Transitional Residential-1UBF) zoning district under the <u>Revised 1993 Zoning Ordinance</u> in order to develop 81 single family detached dwelling units at a density of up to 1 dwelling unit per 35,889 square feet including Affordable Dwelling Units.				
<b>PARCELS/ACREAGE</b>				
TAX MAP NUMBER	PIN #	ACREAGE	ADDRESS	PROPERTY OWNER
/99////////21B	288-46-4560	2.95	40767 Braddock Road, Aldie, Virginia	McIntosh, Jeffrey
/99////////21F	288-47-2720	5.62	40813 Braddock Road, Aldie, Virginia	Ohanian, Maroon & Varoujan
/99////////22B	288-47-9165	6	40858 Braddock Road, Aldie, Virginia	McIntosh, Charles & Shirley
/99/18////2/	288-48-7938	10.96	40958 Braddock Road, Aldie, Virginia	CWM Farm LLC
/99/11////A/	288-37-9271	16.64	40929 Braddock Road, Aldie, Virginia	Loudoun County School Board
/99////////21/	288-37-4064	18.31	N/A	Loudoun County School Board
/99////////21D	288-36-7479	36.63	N/A	CWM Farm LLC

<b>ACCEPTANCE DATE</b> January 13, 2013	<b>LOCATION</b> On the north and south sides of Braddock Road (Route 705), west of Lightridge Farm Road (Route 705), and east of Peach Orchard Lane (Route 624)
<b>ZONING ORDINANCE</b> Revised 1993	<b>EXISTING ZONING</b> (Transitional Residential-1UBF) (Transitional Residential-3UBF) FOD (Floodplain Overlay District), partially AI (Airport Impact) Overlay District, outside of but within one (1) mile of the Ldn 60 aircraft noise contour, partially
<b>POLICY AREA</b> (Transition Policy Area (Upper Broad Run and Upper Foley Subareas)) <u>Revised General Plan</u>	<b>PLANNED LAND USE</b> Residential uses at a density of up to one dwelling unit per 1 acre and one dwelling unit per 3 acres.

## **II. PLANNING COMMISSION REVIEW AND RECOMMENDATION**

The Planning Commission (Commission) held a public hearing on this application on October 21, 2014. No members of the public spoke. Commission discussion included the precedent that an increase in density could set for the Transition Policy Area, capital facilities, environmental impacts, and Braddock Road improvements. Sara Howard-O'Brien with Loudoun County Public School (LCPS) addressed the Commission's questions regarding the land exchange that is part of this rezoning application. The commission asked how critical the access point to Grassland Green Grove to the south would be for the middle school. Ms. O'Brien advised the Commission that the two (2) access points on Braddock Road would be the most critical to serve this regional middle school, which is planned for a capacity of 1,350 students. Given that the Greens at Willowsford would generate 129 middle school students and McIntosh Assemblage would generate fourteen (14) middle school students, the access to the south would provide convenient community access to the school. The Commission forwarded the application to a work session for further discussion (6-3, Blackburn, Douglas, Ryan—opposed).

Between the public hearing and the work session, the Applicant worked with Staff to resolve secondary issues related to capital facilities and environmental impacts. Additionally, the Applicant increased the regional road contribution from the anticipated \$5,000 per residential unit to \$6,000 per residential unit.

During the Commission work session held on December 6, 2015, discussion focused upon land use density, the land swap with the school, and Braddock Road improvements. Regarding the principal land use issue, the consensus of the Commission was that the proffer package outweighs the proposed density increase. Regarding the land swap, the Applicant advised the Commission that such a land swap would not be feasible without the rezoning. Ms. O'Brien with LCPS advised the Commission that the school site can be developed without the land exchange. However, the land exchange would result in the following significant advantages to the school site layout:

- Provides a continuous land area on the southern portion of the school site that is usable, accessible, and unencumbered by environmental constraints.
- Allows for full size soccer fields versus reduced size fields and enables locating fields away from Braddock Road and closer to the gymnasium.
- Positions the middle school bus loop away from residents at the Greens at Willowsford. (Refer to Attachment 6 for a comparison of the school layout with and without the land swap.)

Regarding improvements to the north side of Braddock Road, Staff had questioned whether the Applicant should be responsible for acquiring off-site right-of-way and improving Braddock Road along the frontage of the off-site parcels. The consensus of the Commission was that the Applicant's proffer to improve the frontage of the parcels that are included in this rezoning application on the north and south sides of Braddock Road would be sufficient. The Commission forwarded the application to the Board with a recommendation of approval (9-0), subject to the Proffer Statement dated November 6, 2014, and based on the Findings for Approval below.

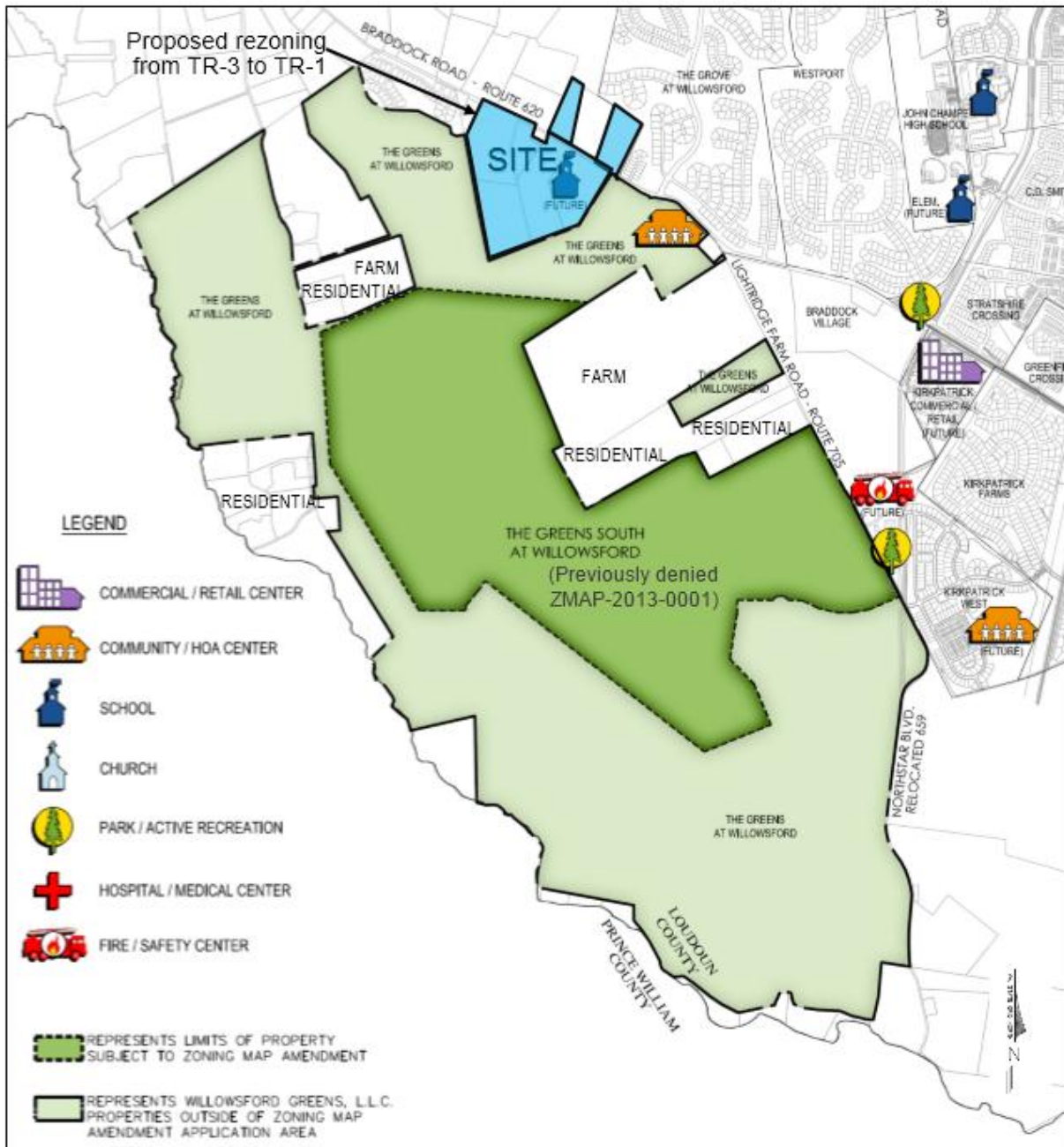
### **III. PLANNING COMMISSION FINDINGS FOR APPROVAL**

1. The proposed zoning will implement the Revised General Plan school location policies providing a more efficient layout and improved buffering and circulation.
2. The proposed TR-1 Zoning District is appropriate for the Upper Broad Run watershed of the Revised General Plan and provides a more compatible land use in relation to the densities of surrounding neighborhoods.
3. The proposed rezoning implements Revised General Plan policies which encourage systematic growth incurred in those areas.
4. The application exceeds the Revised General Plan's open space standards for the Upper Broad Run watershed by preserving 51% of the application property as open space.
5. The application adequately mitigates the transportation impacts of the project and will help achieve goals of the Countywide Transportation Plan, including the contribution of approximately \$1.3 million in regional road improvements.

### **IV. CONTEXT**

**Location/Site Access** – The subject property is located along both the north and south sides of Braddock Road (Route 705) to the west of the Grassland Grove Drive/Trailhead Drive intersection. Two (2) non-contiguous parcels are situated on the north side of Braddock Road. The remaining five (5) parcels are situated on the south side. Each of the individual parcels currently has access on Braddock Road.

**Figure 1. Vicinity Map.**



Source: Greens South at Willowsford. Proposed Rezoning Application.

**Directions** - From Leesburg, travel south on King Street/James Monroe Highway (Route 15). At the Route 50 traffic circle, continue straight, staying on Route 15 south. Turn left onto Braddock Road (Route 705). The subject property is located on the right and left sides of Braddock Road.

**Existing Conditions** – The subject property is rural and wooded with scattered single-family residences and a variety of aging farm structures, horse pastures, farm roads, and

gravel driveways. The individual parcels are served by private wells and septic systems. The subject property is environmentally sensitive and contains wetlands, floodplain, and forest resources. On the south side of Braddock Road, overhead power lines are located parallel to Braddock Road. Portions of the northern two (2) parcels are located within the AI (Airport Impact) Overlay District, outside of but within one (1) mile of the Ldn 60 aircraft noise contour.

**Surrounding Properties** – On the south side of Braddock Road, the subject property is surrounded by the Greens at Willowsford, a by-right residential subdivision. On the north side of Braddock Road, the Grove at Willowsford, a by-right residential subdivision, surrounds the subject property to the north and east, an 11-acre single-family detached residential property separates the two (2) northern parcels, and to the west along Braddock Road are single-family detached residential properties on lots ranging from twelve (12) to twenty (20) acres.

**Background** - County records indicate that Stanley Martin Companies, LLC (Stanley Martin) has submitted a preliminary subdivision (SBPL-2013-0017) for the two (2) parcels situated on the north side of Braddock Road. Under the by-right scenario, a total of seventeen (17) residential lots could develop, with six (6) on the western parcel and eleven (11) on the eastern parcel. The subdivision plat includes the required fifty percent (50%) open space and the Braddock Road right-of-way dedication. The seventeen (17) lots would generate approximately 162 average daily trips.

**Commission Permit for School** - On October 16, 2012, the Board ratified a Commission Permit to allow a Dulles South middle school or an elementary school on a 34.95-acre portion of the subject property (CMPT-2012-0003, LCPS Dulles South Middle School (MS-7) or Elementary School). Staff is attaching the Commission Permit staff report for reference (Attachment 3). When the Commission reviewed the Commission Permit, they suggested that LCPS consider a road connection to the south through Willowsford. At that time, the Commission expected to review the school's access during the future Special Exception process. Since Commission Permit approval, the County has amended the Revised 1993 Zoning Ordinance (Ordinance), and public schools are now permitted by-right within both the TR-1 and TR-3 zoning districts, subject to the performance standards in Section 5-666 of the Ordinance.

**Public Comment** – Staff has received one phone call from a resident on the north side of Braddock Road with concerns regarding the proposed increase in density. There are no public comments to date on Loudoun Online Land Applications System (LOLA). Staff has no record of a Community Meeting.

## **V. PROPOSAL**

The subject property consists of seven (7) parcels comprising 97.11 acres. Stanley Martin Companies, LLC (Stanley Martin) is the contract purchaser of five (5) of the parcels consisting of 62.15 acres. LCPS owns the remaining two (2) parcels, which total 34.95

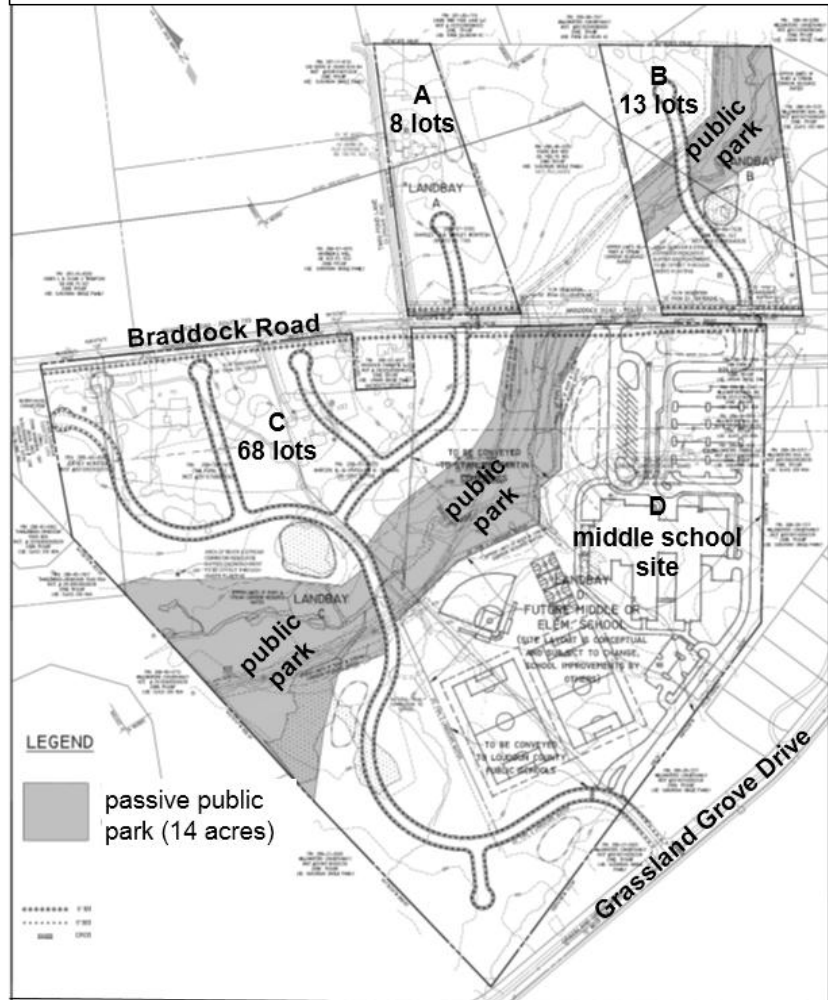
acres and are approved for a Dulles South Middle School (MS-7) site or an elementary school site per ratified Commission Permit (CMPT- 2012-0003).

### **Zoning Map Amendment**

**Petition** – This application seeks approval to rezone approximately 97.11 acres, including the middle school site from TR-1UBF (Transitional Residential-1) and TR-3UBF (Transitional Residential-3) to TR-1UBF to allow the development of eighty-one (81) single family detached residential units and a middle school. The application proposes a density of up to one (1) dwelling unit per 35,889 square feet, which includes a density bonus associated with two (2) Affordable Dwelling Units.

The application includes approximately fourteen (14) acres that the Applicant would convey to the County as a “public park with passive uses” prior to the release of the last bond for the project. This acreage is largely the floodplain area located between the residential and school uses. Existing residential structures and accessory buildings on the north and south sides of Braddock Road are proposed to be demolished. The application proposes public internal streets and a Homeowners Association.

**Figure 2. Site Layout with Rezoning & Land Swap.**



**Table 1. Summary of Applicant’s Proposal by Land Bay.**

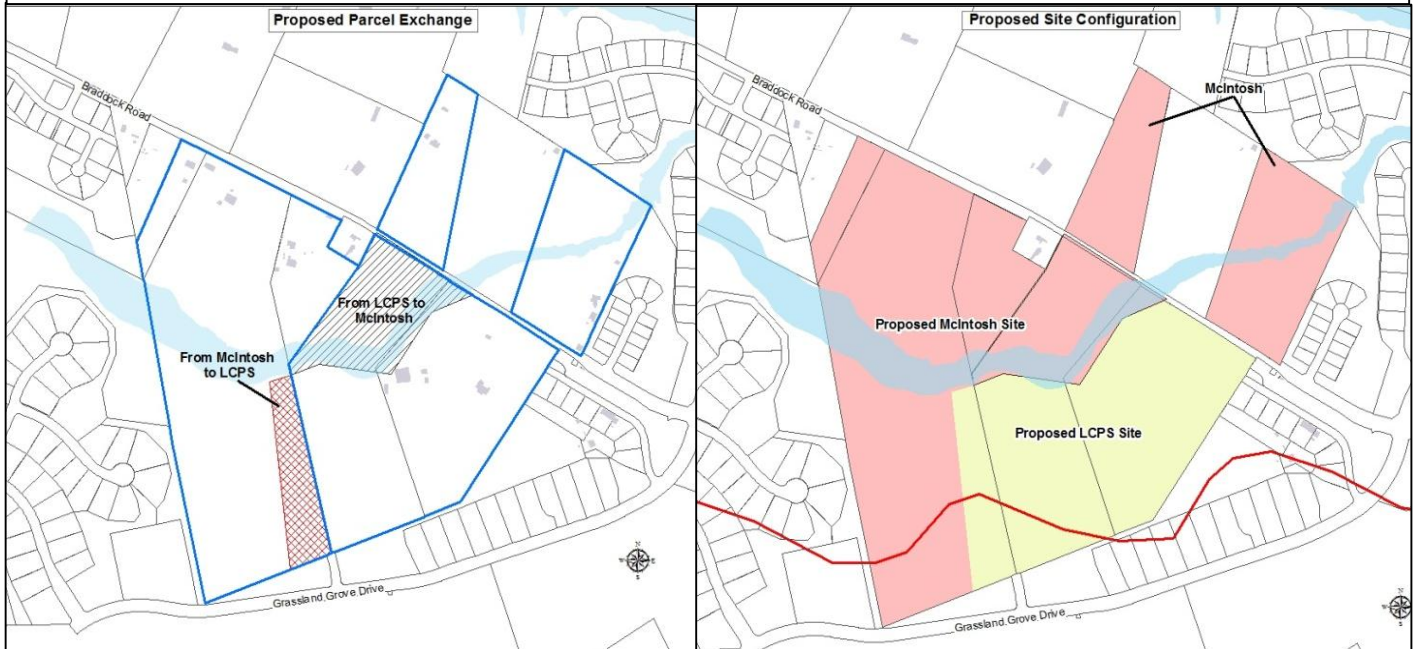
Land Bay	Proposed Uses by Land Bay	Land Area
A	Up to 8 single-family detached residential units	6 acres
B	Up to 13 single-family detached residential units	10.96 acres
C	Up to 68 single-family detached residential units	49.77 acres
D	school	30.38 acres
<b>Total</b>	<b>Up to 81 single-family detached residential units</b>	<b>97.11 acres</b>

Note: Land Bays A, B & C include 34.07 acres (51%) of open space and 8.5 acres of right-of-way dedication.



**Land Exchange/Boundary Line Adjustment (BLAD)** – The site configuration shown on the subject rezoning application would require a land exchange between Stanley Martin and LCPS. Stanley Martin would exchange approximately 4.3 acres of useable land for an approximately 8.87-acre portion of the LCPS’s largely floodplain property. The entirety of the post-BLAD properties are proposed to be rezoned to TR-1.

**Figure 3. Land Exchange between Stanley Martin Companies “McIntosh” and LCPS.**



A summary of the application’s proffered contributions is provided in the following table:

<b>Table 2. Summary of Proffered Contributions.</b>		
<b>Proffered Contribution</b>	<b>Amount</b>	<b>Total</b>
Capital Facilities	\$21,493.34 / unit (81)	\$1,740,960
Unmet Housing Needs	\$1,898.73 / market rate unit (79)	\$150,000
Transit	\$625 / unit (81)	\$50,625
Regional Road Improvements	\$6,000 / unit (81)	\$486,000
Fire & Rescue	\$120 /unit (81)	\$9,720
<b>Total Proffered Cash Contributions</b>		<b>\$ 2,437,305</b>
Land conveyed to County for passive park		14 acres



## VI. OUTSTANDING ISSUES

Staff has identified one outstanding issue:

1. **Density/Land Use** – The application proposes eighty-one (81) residential units, which is approximately twice the density envisioned by the Revised General Plan for the Upper Board Run and Upper Foley subareas of the Transition Policy Area. Policy envisions a residential cluster of approximately forty (40) units on the subject property. The densities in the Transition Policy Area were established to provide a visual and spatial transition between the suburban and rural policy areas and to protect the drinking water resources and conserve the extensive environmental features on the subject property and throughout the Transition Policy Area. Any time a development is approved that exceeds planned densities, it places a burden on the County to accommodate the needs of these additional residents. While one development alone may not place a significant burden on the County, it sets a precedent for similar proposals at a cumulative fiscal and environmental cost to the County.

## VII. POLICY ANALYSIS

**Zoning Map Amendment Petition (ZMAP) Criteria for Approval - Zoning Ordinance Section 6-1210(E)** of the Revised 1993 Zoning Ordinance states that if an application is for a reclassification of property to a different zoning district classification on the Zoning Map, the Planning Commission shall give reasonable consideration to six (6) factors or criteria for approval. These criteria for approval are organized below by category, followed by Staff's analysis.

### A. LAND USE

**ZO §6-1210(E)(1)** *Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality.*

**Analysis** – There is one key land use issue (density) discussed below. The proposed rezoning is not consistent with the Comprehensive Plan. The current TR-3 UBF (Transitional Residential–3) and TR-1 UBF (Transitional Residential–1) zoning classifications are in conformance with the Comprehensive Plan and provide a reasonable use of the property, as the adjacent properties within the Green and Grove at Willowsford are successfully developing by-right subdivisions under both of the existing zoning classifications.

1. **Land Use/Density** – The subject property is located within the Upper Board Run and Upper Foley subareas of the Transition Policy Area. Development pattern is the foundation of the Revised General Plan (RGP). The development pattern planned for this community of the Transition Policy Area is 1 dwelling unit per 3 acres generally south of Braddock Road and 1 dwelling unit per acre north of Braddock Road. Policy

would support a residential cluster of approximately forty (40) units on the subject property.

The application seeks to rezone the property from TR-3UBF (Transitional Residential–3; 1 dwelling unit per 3 acres) and TR-1UBF (Transitional Residential–1; 1 dwelling unit per acre), to TR-1UBF in order to increase allowable densities and develop eighty-one (81) single-family detached residential units. After taking advantage of the twenty (20) percent density increase associated with voluntarily providing two (2) Affordable Dwelling Units (ADU), the proposed density would be 1 dwelling unit per 35,889 square feet or approximately twice the density envisioned by the RGP for the Upper Board Run and Upper Foley subareas of the Transition Policy Area. Article 7 of the Revised 1993 Zoning Ordinance (Ordinance) does not require Affordable Dwelling Units (ADU) for land zoned TR-1.

County land use policy does not support the requested density increase within the Transition Policy Area. The subject property's existing zoning districts mirror and implement the RGP's policy guidance for these development patterns. The current zoning classifications are in conformance with the Comprehensive Plan and provide a reasonable use of the property. The adjacent Willowsford properties are successfully developing by-right subdivisions under both of the existing zoning classifications. In fact, on February 5, 2014, the Board of Supervisors denied an application on the adjacent Willowsford property seeking to rezone from TR3 to TR1. The project was much larger: 737 acres in order to increase the development potential from 245 to 802 single-family detached residential dwelling units at a proposed density of up to 1.08 dwelling units per acre. The project included a proffered 21-acre elementary school site and up to 350 age-restricted units. The Board's Findings for Denial and discussion focused upon long-term operating and school costs, transportation impacts, and changing the character of the Transition Policy Area.

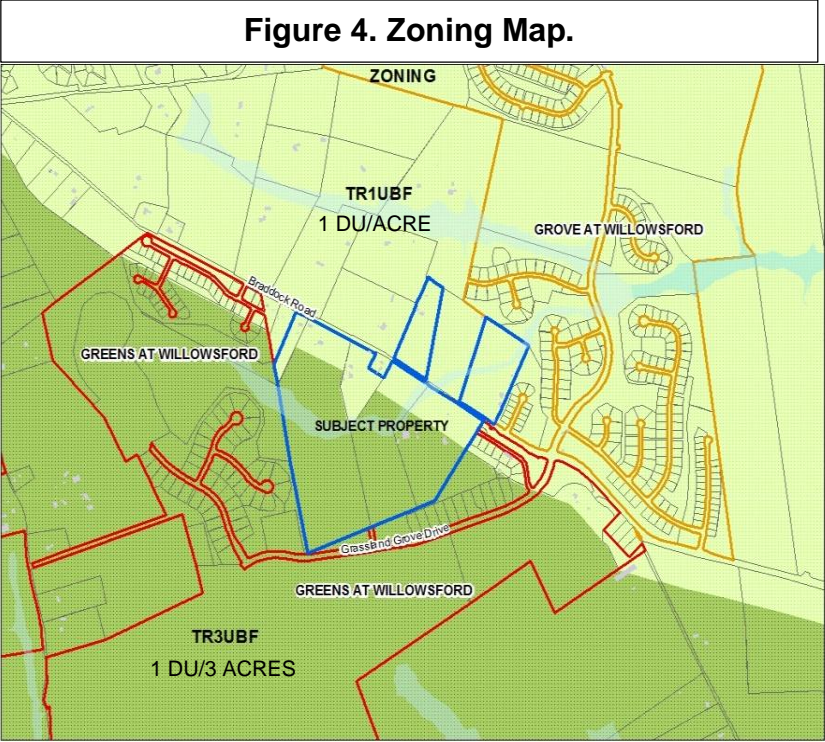
Any consideration of approving increased density within the Transition Policy Area should fully contemplate the potential long-term implications that such an approval could have upon the character of the Transition Policy Area. The densities in the Transition Policy Area were established to provide a visual and spatial transition between the suburban and rural policy areas and to protect the drinking water resources and conserve the extensive environmental features on the subject property and throughout the Transition Policy Area. There has been a recent influx of residential rezonings to increase densities in the Transition Policy Area. The recent influx threatens to forego the purpose of the Transition Policy Area to provide a density transition between the Rural and Suburban Policy Areas and to protect the drinking and water resources and environmental features.

## **B. COMPATIBILITY**

**ZO §6-1210(E)(2)** *The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate vicinity, and conservation of land values.*

**Analysis** – Staff has identified one (1) outstanding compatibility issue that is closely related to density: compatibility with surrounding existing and future residences.

1. **Compatibility with Existing and Developing Residences** - Development surrounding the subject property—the Greens at Willowsford (SBPL 2007-0025) and the Grove at Willowsford (SBPL 2008-0002 and SBPL 2012-0003)—are approved with densities that are consistent with the Revised General Plan and the Revised 1993 Zoning Ordinance for the Transition Policy Area. The proposed rezoning would permit increased density south of Braddock Road within an area zoned and developing according to the TR-3 cluster policies. The Applicant has the option to cluster its lots in the same manner that Willowsford has.



On the south side of Braddock Road, the subject property’s existing zoning, which permits 3-acre lots, is compatible with the existing character of the established adjacent single-family detached residential properties located along Braddock Road within the Transition Policy Area. Increasing the density could potentially have a negative impact on the property values of the established and developing residences in the vicinity. The following table summarizes how the Applicant has addressed other compatibility topics.

Table 3. Compatibility - Resolved Issues.	Proffer Condition or Note
<u>Light/Glare</u> – The application proffers that street light fixtures will be full cutoff, fully shielded, and directed inward and downward in order to minimize nighttime glare and light pollution.	Proffer VII.F.

### C. ENVIRONMENTAL AND HERITAGE RESOURCES

**ZO §6-1210(E)(5)** *Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural and forestal lands and any proposed mitigation of those impacts.*

**Analysis** – There are no specific remaining outstanding environmental issues. The subject property is environmentally sensitive. The subject property is located within the Broad Run Watershed and contains tributaries that drain directly to the South Fork of the Broad Run. These tributaries and adjoining floodplain, along with the 50-foot management buffer surrounding the floodplain, as called for in the Revised General Plan (RGP), together constitute the river and stream corridor resource. The intent for the 50-foot management buffer is to serve as protection for the river and stream corridor elements from upland disturbances and adjacent development. The RSCR Buffer is required to be a minimum of 50' from the floodplain or 100' from the scar line of the stream, whichever is greater. The proposed project would impact wetlands, forest cover, and encroach into the River and Stream Corridor Resource (RSCR) buffer in two locations—Land Bay B on the north side of Braddock Road and Land Bay C on the south side of Braddock Road.

The RGP does not support increased density on the subject property, in large part because of the environmental features that are found on the subject property and within the Transition Policy Area. In the event that the rezoning application moves forward, Staff has worked with the Applicant to develop stronger commitments to mitigate potential environmental impacts and to help offset the increased density. As described in greater detail in the following table, these efforts include establishing Tree Conservation Areas, reforesting open areas that are within and adjacent to the minor floodplain, and placing these reforested areas within Tree Conservation Areas.

Table 4. Environmental and Heritage Resources Resolved Issues.	Proffer Condition or Note
<u>Tree Conservation Areas</u> - The Concept Development Plan designates Tree Conservation Areas. As suggested by Staff, the reforested areas are included proffered as part of Tree Conservation Areas.	Proffer VII.C.
<u>Reforestation/Riparian Planting Plan</u> - To help mitigate impacts resulting from encroachments into the RSCR Buffer, to increase riparian function and wildlife habitat, and reduce long-term maintenance the Applicant has proffered to submit a Riparian Planting Plan for approval by the County Urban Forester at the time of first Record Plat submission. Such plan would include 3 gallon or ½ inch caliper (whichever are available at the nursery) native, deciduous trees to be planted at a density of 225 trees per acre over 2.66 acres. (Staff had originally recommended 300 trees per acre.) The reforested area would be planted prior to the 20 <sup>th</sup> occupancy permit and preserved within a Tree Conservation Area.	Proffer VII.B.

<u>Wetlands</u> – The site layout would impact wetlands. The existing wetlands, streams, and jurisdictional pond are regulated by Section 401 and 404 of the Clean Water Act and by state wetlands laws and would require appropriate permits prior to disturbance. As proffered, if no wetland and stream mitigation areas are available within the County at a cost equal to or less than the cost of mitigation options elsewhere in the Potomac River Watershed, the Applicant would mitigate outside of Loudoun County but within the Potomac River Watershed.	Proffer VII. E.
<u>Steep Slopes</u> – As the property contains no steep slopes, the rezoning will result in no impacts to steep slopes.	No issue.
<u>Threatened and Endangered Species</u> - Regarding potential impacts on state-listed threatened and endangered plant and insect species, the Department of Conservation and Recreation's Division of Natural Heritage (DCR) does not find that the proposed activity would affect any documented state-listed plants or insects.	No issue.
<u>Scenic/Archaeological/Historic Features</u> – The archaeological studies submitted with the application recommend that no further work be conducted on the subject property. The subject properties contain no resources that are National Register eligible. Staff agrees.	No issue.
<u>Stormwater management</u> – There are five proposed SWM/BMP facilities, 2 of which would convert existing wet ponds. As requested by Staff, the Applicant relocated the proposed stormwater facility away from a forested wetland to provide greater separation. The Applicant considered Staff's other recommendation to shorten cul-de-sacs within Land Bay C to reduce impervious cover; this was not a solution for this site as more usable areas were needed on the lots abutting Braddock Road Staff recommend further consideration of enhanced extended detention or wet ponds at time of site plan.	Proffer VII.A.

#### **D. TRANSPORTATION**

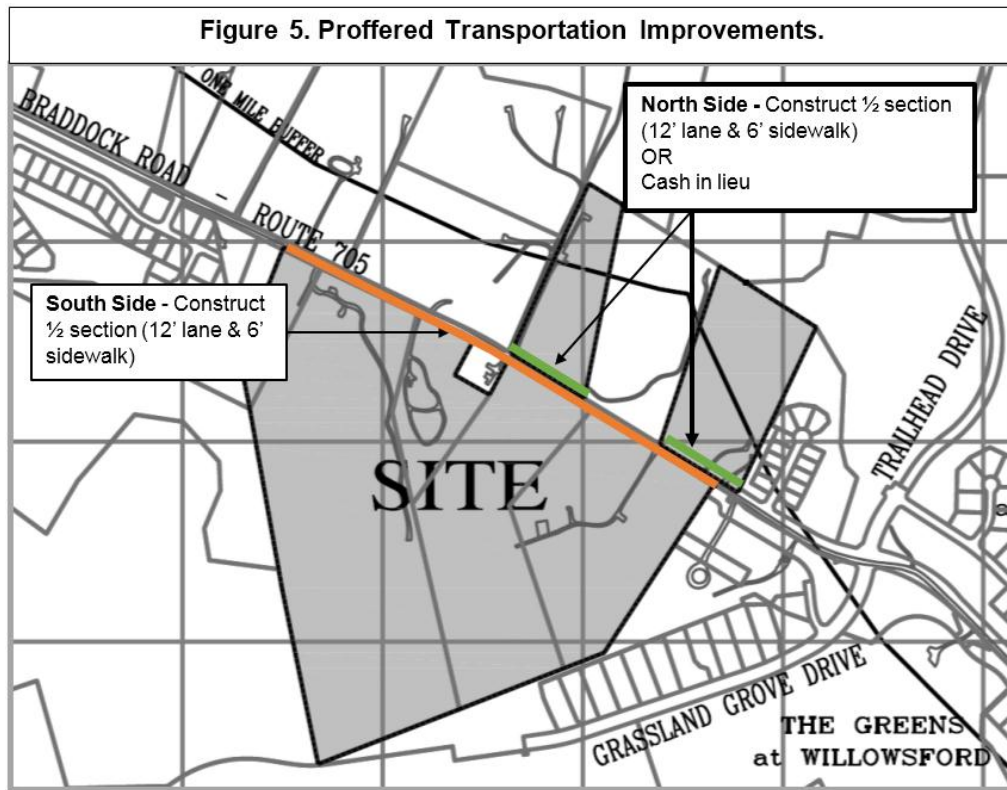
**ZO §6-1210(E)(3)** *Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district [emphasis added].*

**Analysis** – There are no outstanding transportation issues. The primary topic discussed by the Planning Commission and Staff during the review of this application was Braddock Road improvements, particularly those on the north side of the roadway.

Braddock Road Improvements – Until recently, Braddock Road along the subject property's frontage was unpaved. Recently and as a temporary solution, others paved-in-place (CPAR-2013-0007) an approximately 3,350-foot segment of Braddock Road between Balmoral Glen Court (just west of the Grassland Grove Drive/Trailhead Drive intersection) and American Beech Way. As a result, there are two (2) temporary pave-in-place lanes along the frontage of the subject rezoning, but the two (2) lanes are not constructed to VDOT standards. They are nine-foot lanes with two-foot shoulders rather than twelve-foot lanes with eight-foot shoulders. There are no sidewalks along the subject property's Braddock Road frontage; however, there is a shared use path along the north side of Braddock Road to the east of the subject property near the intersection with Trailhead Drive.

Per the Countywide Transportation Plan (2010 CTP), in its ultimate condition, Braddock Road is to be a two-lane, undivided local access rural collector (R2), including six-foot sidewalks on both sides of the road, within a 70-foot right-of-way (ROW).

The Applicant proffers to improve Braddock Road per the CTP and to VDOT standards on both the north and south sides, along the frontage of the parcels that are subject to this rezoning application. However, since the subject property is non-contiguous on the north side of Braddock Road, the end result would not be an ideal continuous improvement.



Staff asked the Applicant to consider acquiring off-site right-of-way on the north side of Braddock Road and constructing full two-lane Braddock Road frontage improvements along this entire section. Staff also asked the Applicant to consider extending these full two-lane Braddock Road frontage improvements along the small off-site portion of the currently unpaved segment of Braddock Road between Balmoral Glen Court (at the eastern edge of the site) and American Beech Way (approximately 800 feet west of the site). The Applicant responded that for this size project, additional road improvements would render the project unviable and not worth pursuing. The Applicant did, however, increase the proffered regional road contribution from the anticipated \$5,000 per residential unit to \$6,000 per unit. In work session, the Commission found the Applicant's transportation improvements on the north side of Braddock Road acceptable.

A summary of the Applicant's proffered transportation improvements follows:

<b>Table 5. Proffered Transportation Improvements, Contributions, and other Mitigation Measures.</b>		
<b>Proffered Improvement or Contribution</b>	<b>Trigger</b>	<b>Proffer and/or CDP Sheet</b>
<u>Braddock Road Right-of-Way Dedication</u> – Dedicate 70 feet of right-of-way along northern and southern site frontage	Prior to approval of First Record Plat	Proffer III.D.
<u>Braddock Road North Side</u> – Construct a half section (one lane) of road improvements (sidewalk, shoulder, and ditch) along the two subject parcels with frontage on the north side of Braddock Road	Prior to issuance of 20 <sup>th</sup> Occupancy Permit	Proffers III.C. & D.
<u>Braddock Road South Side</u> – Construct a half section (one lane) of road improvements (sidewalk, shoulder, and ditch) along the property's entire southern street frontage, plus one off-site parcel	Prior to issuance of 20 <sup>th</sup> Occupancy Permit	Proffer III.B.
<u>Braddock Road Asphalt or Concrete Trail</u> – Construct a 6' wide sidewalk along the Braddock Road southern site frontage (Land Bays C & D)	Prior to issuance of 20 <sup>th</sup> Occupancy Permit	Proffer IV.A.
<u>Grassland Grove Drive Connection to School</u> – Construct a connection from subject property to Grassland Grove Drive	Prior to issuance of 20 <sup>th</sup> Occupancy Permit	Proffer III.E.
<u>Regional Road Contribution</u> - \$6,000 per residential unit (\$486,000) – used first toward Braddock Rd improvements in vicinity of the subject property then for regional road improvements	Prior to each Zoning Permit	Proffer III.G.
<u>Transit Contribution</u> - \$625 per residential unit	Prior to each Zoning Permit	Proffer III.F.
<u>Braddock Road Sidewalk</u> – Construct a 6' wide asphalt or concrete sidewalk along the property's southern street frontage, plus one off-site parcel	Prior to issuance of 20 <sup>th</sup> Occupancy Permit	Proffer IV.A.
<u>School Natural Trail</u> – Construct a 6' natural trail connecting the residential lots to the school site.	Prior to issuance of 20 <sup>th</sup> Occupancy Permit	Proffer IV. B.
<u>Crosswalks</u> – Construct crosswalks in two Braddock Road locations if approved by VDOT	Prior to issuance of 20 <sup>th</sup> Occupancy Permit	Proffer IV. C.



Table 6. Transportation - Resolved Issues.				Proffer Condition or Note
Trip Generation - The proposed development will generate 67 trips during the AM peak hour, 87 trips during the PM peak hour, and a total of 866 daily trips. Compared to by-right single family detached residential development on the subject property, the proposed development would generate 27 more trips in the AM peak hour, 38 more trips in the PM peak hour, and 393 more weekday daily trips.				Traffic Study
Trip Generation Comparison – Existing versus Proposed Zoning.				
Land Use	AM Peak Hour	PM Peak Hour	Weekday Total Trips	
Proposed Use 81 SFD residential units	67	87	866	
By-right Use 42 SFD residential units	40	49	473	
Comparison	+27	+38	+393	
Access - The proposed residential development would be served by 3 full access driveways on Braddock Road (2 on the north side and 1 on the south side) and 1 full access driveway at the southern portion of the property to Grassland Grove Drive. The school site would be served by 2 access driveways on Braddock Road. The land swap with Loudoun County Public Schools would allow the middle school to use the Grassland Grove Drive access.				CDP Sheet 7
Entrances on Braddock Road – Per approved CPAR-2013-0007, Braddock Road improvements include paving in place approximately 3,350 linear feet of roadway within the existing right-of-way. The application has coordinated its entrances with these improvements along the subject property’s Braddock Road frontage.				CDP Sheet 7
Hazel Place Connection – The CDP has been modified to accommodate a possible future connection to Hazel Place to the west. The goal of such a connection would minimize trips on Braddock Road,				CDP Sheet 7
Spangle Glass Court Connection – To minimize trips on Braddock Road, LCPS may wish to explore a possible connection to Spangle Glass Court to the east during future development of the school site.				CDP Sheet 7
Timing for Proffered Transportation Improvements – As suggested by Staff, the proffers have been revised so that the construction of trails, crosswalks, and roadway improvements along Braddock Road and Grassland Grove Drive would occur sooner than the proffered 40 <sup>th</sup> occupancy permit. Originally, the proffers stated prior to the 81 <sup>st</sup> occupancy permit.				Proffer Statement

## **E. FISCAL AND CAPITAL FACILITIES IMPACTS**

**ZO §6-1210(E)(4)** *The requirements for airports, housing, schools, parks, playgrounds, recreational areas and other public services.*

**Analysis** – There is one (1) fiscal issue resulting from the proposed increase in density. The proposed project would introduce residential development above and beyond what is envisioned by the Revised General Plan and place demands on the County to provide additional services for future residents. County facilities and services are sized and planned using population projections based on planned densities. Any time a development is approved exceeding planned densities it places a burden on the County to accommodate the needs of these additional residents. While one (1) development alone may not place a

significant burden on the County, it sets a precedent for similar proposals at a fiscal and environmental cost to the County.

The following table provides an analysis of the application's capital facility impacts.

Table 7. Capital Facility Impact Analysis.			
<b>Residential Units</b>		Number of allowable Residential Units By-Right:	44 (after land swap)
Proposed Residential Units by type:			
Single-family detached market rate units	79		
Affordable dwelling units	2		
<b>Total</b>	<b>81</b>		
<b>Projected Capital Facilities Impacts*</b> (before deducting credits for ADUs (Affordable Dwelling Units) & base density) 81 SFD residential units x CIF of \$49,734 = \$4,028,454 *public schools, parks, libraries, mental health services, etc.			<b>\$4,028,454</b>
<b>Anticipated Developer Capital Facilities Contribution</b> (after deducting credits for ADUs & base density) Credit for Affordable Dwelling Units: 2 ADUs x CIF of \$49,734 Credit for Base Density: 44 units x CIF of 49,734			<b>\$1,740,690</b>
			\$4,028,454 - 99,468 - <u>2,188,296</u> \$1,740,690
<b>Proffered Capital Facilities Contributions</b>			
Cash contribution \$21,493.34 /residential unit			
<b>Total</b>			<b>\$1,740,960</b>
<b>Difference between Capital Facilities Impacts and Contribution</b>			<b>\$270</b> <i>more than anticipated</i>

School Capacity – Based on 2013 Loudoun County Public School (LCPS) student generation factors, the 81 single family detached units would generate 62 school-age children: 31 elementary students, 14 middle school students, and 17 high-school students. The rezoning would bring Aldie Elementary School over capacity by 25 children. In contrast, a by-right development with 40 residential units (before land exchange/rezoning) would generate 32 school age children. New students generate substantial operational and capital expenses. The costs are evident in the County's budgets. Approval of the rezoning would generate estimated capital costs of \$2.7 million and annual operating costs estimated at \$789,570 to fund the project's educational services alone.

Table 8. School Impacts.						
Proposed Units	Elementary School (Aldie)	Middle School (Mercer)	High School (John Champe)	Total Students Generated by Proposal	Annual Operating Costs	Estimated Capital Costs
81 SFD	31	14	17	<b>62</b>	<b>\$789,570</b>	<b>\$2,734,319</b>
Student Enrollment	131	993	960			
Program Capacity	137	1,133	1,894			
Under/Over Capacity	<b>25 over</b>	126 under	917 under			

Regarding the extra students, as a matter of practice, Loudoun County Public School (LCPS) tries to avoid adding trailers, and will do so as a last resort. Before a trailer would be added, there are several options that Staff examines. Even though a school may be at its overall capacity, in many cases there exists capacity at individual grade levels. Students would be permitted to attend a school that is over capacity if there is room at the individual grade level. If, for example, a third grade class had the ability to add students before arriving at School Board maximum classroom numbers, the students would be permitted to enter the third grade or whatever particular grade level had capacity. If there is no capacity at the student's identified grade level, children are overflowed to schools that have capacity. If the overflowed student has siblings, they are allowed to attend the overflow school as well. This practice helps keep children together. If a development poses a long term capacity issue, the School Board has reassigned neighborhoods to schools that have the capacity to handle students generated from their particular development.

#### F. PUBLIC UTILITIES/PUBLIC SAFETY

**ZO §6-1210(E)(3)** Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district.  
**(6)** The protection of life and property from impounding structure failures. [emphasis added].

**Analysis** – There are no outstanding public utility and safety issues. The following table below summarizes how this application addresses public utilities, fire and rescue services, fire and rescue contributions, and public safety.

Table 9. Public Utilities and Public Safety.	Proffer Condition or Note
<u>Water and Sewer</u> – Loudoun Water could provide public water and sanitary sewer service to the subject property through extension of existing facilities. Proffers specify that the County would be responsible for extending water and sewer to the school site and acquiring any associated off-site easements.	Proffer I.D.

<u>Existing Wells and Septic Systems</u> – All existing wells and sewer disposal systems must be properly abandoned prior to clearing and grading, submission of a Record Plat, or razing existing structures.	Proffer VII.G.
<u>Fire &amp; Rescue Service</u> - The Aldie Fire and Rescue Station would serve the subject property with an approximate response time of 9 minutes.	Not an issue.
<u>Fire &amp; Rescue Contribution</u> - The Applicant agrees to make the anticipated one-time Fire and Rescue contribution of \$120.00 per residential unit to be distributed equally to the primary first response fire and rescue facilities (adjusted on a yearly basis from the base year of 1988).	Proffer VIII.
<u>Impounding Structure Failures</u> - Protection of life and property from life and property from impounding structure failures is not an impact that is associated with the proposed residential and school uses.	Not an issue.

## VIII. ZONING ANALYSIS

**Analysis** – There are no outstanding zoning issues. The application is in general compliance with the requirements of the Revised 1993 Zoning Ordinance for the TR-1UBF (Transitional Residential-1) zoning district. The following issues were addressed during the referral process.

<b>Table 10. Zoning – Resolved Issues.</b>	<b>Proffer Condition or Note</b>
<u>Boundary Line Adjustment</u> – If the rezoning is approved, it will be necessary for the Applicant to process a Boundary Line Adjustment with Loudoun County Public Schools (LCPS) to formalize the land exchange. The application proffers to record the BLAD prior to approval of the 1 <sup>st</sup> Record Plat on the subject property, as recommended by Staff.	Proffer I.C.
<u>Ldn 60 1 mile Buffer</u> - Portions of the northern two parcels of the subject property are located within the LDN60 1-mile buffer noise contour and are subject to Section 4-1400 of the Airport Impact Overlay District. For all residential dwelling units to be constructed outside of, but within one (1) mile of the Ldn 60, the applicant shall disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the Illustrative Site Plan(s) on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and within all Deeds of Conveyance.	CDP. Sheet 2. Note 2.
<u>Proffer Triggers</u> – The Applicant has voluntarily revised the timing mechanism for the proffer contributions from “occupancy permit” to “zoning permit” rather than, as suggested by Staff.	Proffer Statement

<b>IX. ATTACHMENTS</b>		<b>PAGE NUMBER</b>
<b>1</b>	<b>Staff's Findings for Denial</b>	<b>A-1</b>
<b>2</b>	<b>Review Agency Comments</b>	
2a	Planning & Zoning, Comprehensive Planning	A-2
2b	Planning & Zoning, Zoning Administration	A-24
2c	Building & Development, Plans Review	A-35
2d	Parks, Recreation and Community Services	A-39
2e	Transportation Planning & Operations Division	A-45
2f	Virginia Department of Transportation	A-73
2g	Health Department - Environmental	A-74
2h	Loudoun Water	A-75
2i	Fire, Rescue and Emergency Services	A-77
2j	Loudoun County Public School	A-78
<b>3</b>	<b>CMPT-2012-0003, LCPS Dulles South Middle School (MS-7) or Elementary School - Planning Commission Staff Report (09-26-12)</b>	<b>A-85</b>
<b>4</b>	<b>Applicant's Statement of Justification</b>	<b>A-96</b>
<b>5</b>	<b>Applicant's Response to Referral Comments</b>	<b>A-102</b>
<b>6</b>	<b>Applicant's School Site Layout Comparison Exhibit</b>	<b>A-155</b>
<b>7</b>	<b>Applicant's Proffer Statement (01-15-15)</b>	<b>A-156</b>
<b>8</b>	<b>Concept Development Plan (11-06-14)</b>	<b>A-172</b>
*This Staff Report with attachments (file name BOSPH STAFF 02-11-15.PDF) can be viewed online on the Loudoun Online Land Applications System (LOLA) at <a href="http://www.loudoun.gov">www.loudoun.gov</a> . Paper copies are also available in the Department of Planning & Zoning.		